REMARKS

I. INTRODUCTION

Upon entry of the present amendment, claims 1-9 and 11-22 will be pending in the present application, with claims 5, 6 and 17-19 having been withdrawn. By the present amendment, claim 1 has been amended. No new matter has been added herein by the present amendment, as support thereof may be found in the current specification (referring to WO 2005/017054) at, *inter alia*, page 16, lines 26-28.

In view of the foregoing amendments and the following remarks, Applicants respectfully submit that the claims are now in condition for allowance. Applicants point out that the amendments made herein are made without prejudice to the future prosecution of such cancelled, amended or modified subject matter in a related divisional, continuation or continuation-in-part application.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2, 4, 9, 11-12, 16 and 21-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,669,835 ("Honnick") in view of Wicks, *Organic Coatings: Science and Technology*, 1999 ("Wicks"). Claims 14-15 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Honnick in view of Wicks, and further in view of US 5,039,718 ("Ashley et al."). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Honnick in view of Wicks, and further in view of US 6,316,535 ("Caldwell et al."). Applicants respectfully

submit that the aforementioned obviousness rejections should be withdrawn for at least the following reasons.

In regard to the Honnick disclosure, as noted in the Office Action, Honnick discloses aqueous coating compositions containing polymerizable components and a water incompatible catalyst adsorbed onto an inorganic particulate carrier, which may be silica (*see* Honnick, column 5, lines 43-50). However, Honnick fails to teach or suggest that catalyst as a separate part of a two phase system.

Honnick discloses latex paints and "E" coat compositions (*see* Honnick, column 7, lines 8-11; column 8, lines 22-26). These paints and compositions are required to form coats which are smooth and free from surface defects (*see* Honnick, column 10, lines 26-45; Tables 1 and 2 (column 12-13)). As a consequence of this requirement, one of ordinary skill in the art would not modify either the coating compositions or the coating methodology of Honnick in any manner which might introduce surface discontinuities to the applied coatings. It therefore follows that one of ordinary skill in the art would not employ the catalyst/particulate carrier materials of Honnick as a separate dry, powdered phase because those particulates – when applied – might introduce unwanted roughness or abrasiveness into the films formed from the curing composition. Also, the focus of Honnick is clearly to provide aqueous coating compositions in which the possibility of any phase separation is minimized during production, application and/or storage of the composition (*see, e.g.*, Honnick, column 7, lines 59-63). Thus, there would be no reason for one of ordinary skill in the art to modify the teaching of Honnick by combining it with that of the separate catalyst phase as disclosed in Wicks.

In addition, claim 1 has been amended herein to include the recitation that "the powder phase comprises up to about 8 wt. % of the at least a part of the catalyst and/or of a precursor of the catalyst." As noted by the Examiner in the Office Action in regard to claims 16 and 21-22, "Honnick does not teach the claimed amount of catalyst in the powder phase." (Office Action, page 3.) More specifically, Honnick teaches that the catalyst should constitute from 9 to 71 wt. %, and preferably from 33 to 60 wt. %, of its constituent carrier/catalyst system (*see* Honnick, column 6, line 67 to column 7, line 3). Moreover, in Examples 1 to 4 of Honnick, the sorbed catalyst constitutes 50 wt. % of the carrier/catalyst system (*see* Honnick, columns 10-13).

In Honnick, the levels of absorbed catalyst are selected for an aqueous coating composition in which the particulate is to be stably dispersed (*see* Honnick, column 6, lines 13-15). The absorbed catalyst can therefore initiate curing throughout the coating composition into which it is dispersed.

However, even if one of ordinary skill in the art were to ignore a tenet of the Honnick disclosure and adapt its teaching to a system where the absorbed catalyst is not to be well-dispersed in the coating system prior to the coating's application, the ordinarily skilled artisan would be inclined to obviate any risk of reduced curing speed by <u>increasing</u> catalyst loading. More specifically, the ordinarily skilled artisan would increase catalyst loading to minimize any effective loss of catalyst through heterogeneous catalyst distribution which may occur by uneven or incomplete coverage of the catalyst with the coating composition. And in that regard, the ordinarily skilled artisan would note from the Honnick disclosure that many carrier materials can absorb two times or more of their weight in water incompatible

catalyst, with the only practical upper limit on total absorption being that the free-flowing nature of the carrier should not be compromised (*see* Honnick, column 6, lines 53-67). Therefore, Applicants respectfully submit that one of ordinary skill in the art, upon reading Honnick in view of Hicks, would not have developed or arrived at a catalyst carrier system with the low loading of the catalyst as is currently recited in pending claim 1.

Therefore, for at least the preceding reasons, it is respectfully submitted that the rejections of the claims under 35 U.S.C. § 103(a) have been overcome and should therefore be withdrawn.

III. CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance and request that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants' attorney, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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